# TITLE 14. NATURAL RESOURCES
# DIVISION 1. FISH AND GAME COMMISSION - DEPARTMENT OF FISH AND GAME
## SUBDIVISION 4. OFFICE OF SPILL PREVENTION AND RESPONSE
## CHAPTER 3. OIL SPILL PREVENTION AND RESPONSE PLANNING
## SUBCHAPTER 2. OIL SPILL CONTINGENCY PLANS FOR FACILITIES

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### § 805.1. Purpose and Scope.

(a) Generally, to handle, transport, or store oil in California, an owner or operator of a facility that poses a risk of an oil spill into waters of the state must have an oil spill contingency plan approved by the Office of Spill Prevention and Response and must demonstrate financial responsibility to pay for cleanup and damages for possible oil spills pursuant to subchapter 1. The plan holder must maintain a level of readiness that will allow effective implementation of the contingency plan, including through participation in equipment deployment drills and tabletop exercises.

(b) This subchapter describes the requirements for an owner or operator of a facility to have an oil spill contingency plan that provides for best achievable protection of California's waters and natural resources. For purpose of this subchapter, a facility contingency plan consists of a response manual, a cover sheet, and an attachment to the cover sheet. These elements are further described within this subchapter.

(c) The standards set forth in this section are planning standards and may not reflect the exigencies of actual spill response. However, these are the minimum standards used to determine the response resources and the actions that are needed to respond to a spill. These standards are used to evaluate response readiness at a tabletop exercise or an equipment deployment drill. An owner or operator of a facility is ultimately responsible for mitigating, cleaning up, and remediating the effects of the entire volume of an actual spill regardless of the reasonable worst-case spill volume listed in the contingency plan.

(d) After the effective date of this subchapter, all existing plan holders must update their contingency plan to the format described in section 805.5 by the next five-year resubmittal date, as described in section 805.9.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

### § 805.2. Applicability.

(a) The owner or operator must have an oil spill contingency plan approved by the Administrator if the applicability provisions of this section are met, unless the facility is granted an exemption as described in section 805.3.

(1) This subchapter is applicable to an owner or operator of a facility, as defined in section 790, that handles, transports, or stores oil in waters of the state or within one-quarter (¼) mile of waters of the state. For purposes of this subchapter, waters of the state include tidally influenced waters and non-tidally influenced waters, as defined in section 790.

(2) To determine whether a facility is within one-quarter (¼) mile of tidally influenced waters of the state, owners and operators must rely on the Tidally Influenced Waters Quarter Mile Buffer layer, depicted in the Southwest Environmental Response Management Application, on the National Oceanic and Atmospheric Administration's website.

(3) To determine whether a facility is within one-quarter (¼) mile of non-tidally influenced waters of the state, owners or operators must rely on the Non-tidally Influenced Waters Quarter Mile Buffer layer, as depicted in the Southwest Environmental Response Management Application, on the National Oceanic and Atmospheric Administration's website.

(4) An onshore production facility is subject to the requirements of this subchapter if any of the following conditions apply:

(A) The facility includes one or more wells within one-quarter (¼) mile of waters of the state with an average daily production rate of 10 barrels or more of oil (excluding produced water), as reported to the Geologic Energy Management Division of the California Department of Conservation (pursuant to sections 3406 and 3227 of the Public Resources Code). The average daily production rate is determined by dividing the previous year's total production by the total number of production days.

(B) The facility includes a production tank within one-quarter (¼) quarter mile of waters of the state that is not regulated as an aboveground storage tank (pursuant to the Health and Safety Code, commencing with section 25270) or as an underground storage tank (pursuant to the Health and Safety Code, commencing with section 25280).

(C) The facility includes pipelines or gathering lines greater than four inches in diameter located within one-quarter (¼) quarter mile of waters of the state.

(b) If at any time an oil spill impacts waters of the state from a facility to which this subchapter was generally not applicable as described in this section, the Administrator may require the facility comply with the provisions of this subchapter and of chapter 2 (Financial Responsibility).

(c) If the Administrator determines a facility is subject to this subdivision or rescinds a previously granted exemption, the determination shall be in writing, and upon issuance, the requirements of this subchapter and chapter 2 (Financial Responsibility) shall apply immediately from the date of receipt of the determination of applicability.

(d) Multiple facilities that are subject to these regulations may be included in a single contingency plan if all facilities have the same owner and operator, primary qualified individual, and certified spill management team, or if all of the facilities are covered by a single federal response plan.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.3. Exemptions.**

(a) A facility that meets the applicability criteria described in section 805.2 may be exempt from contingency plan requirements if a spill from the facility is not expected to impact waters of the state. The Administrator will determine this based on factors, including but not limited to:

(1) Slope and elevation;

(2) Specific gravity and pour point of oil produced or transported;

(3) Permanent natural or man-made barriers that keep spills contained, including but not limited to impervious or semi-impervious surfaces such as concrete or asphalt; or

(4) A release of oil to or through natural or manmade drainage such as storm drains, culverts, or canals could not impact waters of the state;

(b) Exemption requests must be submitted using the Contingency Plan Exemption form DFW 123 (xx/xx/xx), incorporated by reference herein and hereinafter referred to as DFW 123, within 30 calendar days after meeting the applicability criteria described in section 805.2. The request must provide specific technical justification for the exemption. The request must include a list of all tanks not regulated as aboveground storage tanks (pursuant to the Health and Safety Code, commencing with section 25270) or regulated as underground petroleum storage tanks (pursuant to the Health and Safety Code, commencing with section 25280).

(c) The Administrator will inspect the facility to assess the validity of the justification provided for the exemption request. The Administrator will issue written determination within 60 calendar days of receipt of the request.

(d) Denial of Request for Exemption. If the Administrator determines that the conditions for the exemption are not met, then the facility owner or operator must submit the items listed in 805.8 (a)(1) though (6) within 15 calendar days of receipt of the denial of an exemption request. Additionally, a full contingency plan must be submitted for review and approval, pursuant to this subchapter, within 60 calendar days of a denial of an exemption request.

(e) Resubmittal of an exemption request following a denial must be based on new or significantly different facts. Resubmittal of an exemption request after receiving a denial

does not reset the time frame in which a contingency plan must be submitted pursuant to subsection 805.3(d).

(f) An owner or operator may request reconsideration of the decision to deny an exemption by following the process described in section 790.5 of chapter 1. However, the reconsideration process does not change the requirement in which a contingency plan must be submitted pursuant to subsection 805.3(d).

(g) Any changes to the technical information provided in section E of form DFW 123 must be reported to the Administrator within 15 calendar days of discovery.

(h) The Administrator may inspect a facility that has been granted an exemption to verify the condition of any control measures cited in section E of form DFW 123. An exemption automatically becomes invalid if the factual basis for granting the exemption changes.

(i) Exemptions expire five years from the date of issuance and must be re-applied for by the owner or operator at least 60 calendar days before the expiration date.

(j) If at any time an oil spill impacts waters of the state from a facility that had been previously granted an exemption, the Administrator may require the facility to comply with the provisions of this subchapter and chapter 2 (Financial Responsibility).

(k) An owner or operator who had an exemption rescinded due to a spill that impacted waters of the state may reapply for an exemption after five calendar years. An owner or operator who was generally not applicable but was required to meet the provisions of this subchapter and chapter 2 (Financial Responsibility) due to an oil spill that impacted waters of the state, may request another determination of applicability after five calendar years.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.4. Acquisitions and Ownership Changes.**

(a) A person or owner or operator who intends to acquire a facility within one-quarter (¼) mile of tidally influenced or non-tidally influenced waters of the state, or change ownership of a facility, must submit a contingency plan at least 60 calendar days prior to commencement of the operations as the new owner or operator.

(b) The current plan holder whose facility is changing ownership must notify the Administrator in writing via email to facilitycplans@wildlife.ca.gov and revise the contingency plan to remove the facility pursuant to section 805.9 effective the date of the sale.

(c) If the contingency plan is no longer needed it must be withdrawn pursuant to section 805.10 effective the date of the sale. The withdrawal notification must be received by the Administrator at least 15 calendar days before the effective date of the sale.

(d) Failure to notify the Administrator of any changes described in this subsection within the timeframes specified may delay approval of the contingency plan and may subject the facility to a cease-and-desist order.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.5. Contingency Plan Elements and Format.**

(a) A contingency plan consists of (1), (2), and (3) below:

(1) A response manual, as described in section 805.14.

(2) A completed Contingency Plan Cover Sheet DFW 456 (xx/xx/xx), incorporated by reference herein and hereinafter referred to as DFW 456. This form is posted on the Office of Spill Prevention and Response's website.

(3) An attachment to the DFW 456 that includes all of the required content described in section 805.15.

(b) Information entered in the DFW 456 that is also included in the attachment or the response manual must align with the information in all documents submitted. It is the plan holder's responsibility to ensure that revisions and updates are made in all applicable locations to maintain consistency. Discrepancies in information included in the DFW 456, the attachment, or the response manual will result in the contingency plan being returned as deficient.

(c) The contingency plan must be organized in a format that is accessible and functional for use during an oil spill response.

(d) The response manual and the DFW 456 attachment must have a table of contents with functioning hyperlinks to the respective sections.

(e) The response manual and DFW 456 attachment must be in a portable document format (.pdf) that is usable, readable, searchable, and printable by the Administrator. This includes all maps, diagrams, photographs, documentation of contracts or other approved agreements, text, hyperlinked content, etc. If documents are scanned .pdf documents, the content in those documents must be tagged for accessibility and so that they are searchable.

(f) The response manual and DFW 456 attachment must include a record of changes that describes each revision made to the respective documents since the last contingency plan approval date, including the date of each revision and location(s) revised within each document.

(g) Each plan must be consistent with the State Oil Spill Contingency Plan and not in conflict with the National Contingency Plan.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.6. Document Substitutions.**

(a) A copy of a federal emergency response action plan, as described in 33 Code of Federal Regulations part 154.1030, or 40 Code of Federal Regulations part 112.20, subpart D, with the addition of all required information described in section 805.14 of this section, may be submitted as an acceptable substitution for the response manual.

(b) The attachment to the DFW 456 may be comprised of all or part of a plan that is written to satisfy regulatory requirements of agencies other than the Office of Spill Prevention and Response, provided all the information to fulfill the requirements described in section 805.15 is included and clearly designated in the attachment.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.7. Plan Submittal.**

(a) Unless determined exempt pursuant to section 805.3, an owner or operator of a facility to which this subchapter applies must:

(1) Submit a contingency plan pursuant to sections 805.5 and 805.8.

(2) Apply for a certificate of financial responsibility in compliance with chapter 2 (Financial Responsibility).

(b) All contingency plans must be submitted using the California Department of Fish and Wildlife's large file transfer system, or in an electronic format approved by the Administrator. Submittals must be coordinated with the Office of Spill Prevention and Response by emailing facilitycplans@wildlife.ca.gov.

(c) If any information in a contingency plan changes before the plan is approved, then a complete and up-to-date contingency plan must be re-submitted. Changes must be clearly explained and identified. Changing information in a contingency plan before it is approved resets the 30-calendar day review period.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.8. Plan Content, Review and Approval.**

(a) Upon receipt of a new or resubmitted contingency plan, the Administrator will validate that the submitted plan has the items listed in (1) through (6) below.

(1) The name and address of the facility or facilities included in the contingency plan.

(2) The name, address, phone number, and email address of both the owner and operator of the facilities, and clear designation of which entity is the plan holder responsible for developing and maintaining the contingency plan.

(3) The name, address, phone number, email address of a qualified individual that represents all the facilities included in the contingency plan.

(4) Evidence of response resources to include the following:

(A) Evidence of a contract or other approved agreement demonstrating the response resources that meet the requirements of this subchapter, such as an agreement with a rated oil spill response organization; or evidence of owner or operator owned equipment and personnel that have been rated by the Administrator to meet the response resource requirements of this subchapter. Contracts or agreements must specify what specific required services are being provided (e.g. containment, recovery, storage, environmental sensitive site protection, shoreline cleanup, oil detection).

(B) Evidence of a certified spill management team that represents all facilities identified in the plan. The certified spill management team must be the appropriate tier classification pursuant to section 830.3 of subchapter 5. If the plan holder relies on one or more external certified spill management teams, evidence of a contract or other approved agreement with the external providers must be included.

(C) Evidence of contracts or other approved agreements included to satisfy the requirements of 1. and 2. above must list the designated plan holder as a party to the agreement. If evidence of a contract or other approved agreement does not list the designated plan holder, additional documentation must be provided to demonstrate that the plan holder is authorized to activate the contracted response resources.

(5) A certificate of financial responsibility or an application for a certificate of financial responsibility.

(A)The information provided in the application for a certificate of financial responsibility and any supporting documentation provided for the certificate of financial responsibility must correspond to the information in the contingency plan.

(B) The legal name of the applicant listed on the application for a certificate of financial responsibility must be either the owner or operator of the facility or facilities covered by the contingency plan. If the applicant is not the owner or operator of the facility or facilities, additional documentation establishing the financial relationship between the applicant and the owner or operator must be provided. The documentation must be on the letterhead of the applicant and must demonstrate that the applicant is the party responsible for costs and damages caused by an oil spill at the facility or facilities covered by the contingency plan.

(6) The name, address, phone number, and email address of an agent for service of process located in California.

(b) If a contingency plan does not include the items listed in subsection 805.8(a), or the items are incomplete or deficient, the contingency plan will be rejected and a new contingency plan will be required to be submitted within 15 calendar days.

(c) If a contingency plan includes the items listed in subsection 805.8(a), the Administrator will assign the plan a contingency plan number, if not yet assigned, and issue a letter acknowledging that the plan is effective pending full review of the plan. The acknowledgment letter will be issued within 15 calendar days of receipt of a submission that includes the items listed in subsection 805.8(a). If the plan does not contain the items listed in subsection 805.8(a), the plan submission will not be accepted. A deficiency notice will be issued, and the plan will not be effective until those deficiencies are corrected.

(d) At all stages of review and approval, the Administrator may make on-site inspections and require an announced or unannounced drill or exercise of all, or part of any contingency plan submitted, to determine the veracity and adequacy of the plan.

(e) Within 30 calendar days of receipt, the Administrator will determine whether the contingency plan complies with the requirements of this subchapter.

(1) If the contingency plan meets the requirements, the Administrator will issue an approval letter notifying the plan holder that the plan is approved. The approval letter will describe the conditions of approval, if any, and specify the expiration date of the contingency plan.

(2) Approval of a contingency plan does not constitute an express assurance regarding the adequacy of the plan in the event of a spill. Approval does not constitute a defense to liability on the part of the operator or owner.

(3) If at any time the Administrator determines an approved plan is deficient, then the notice, submittal, review, and approval provisions of section (805.8) apply. Deficiencies may be based upon, but are not limited to, verification of plan content, on-site inspection, performance at an announced or unannounced drill or exercise, response to an actual spill, or the performance of contractors or consultants retained or contracted by the plan holder.

(f) If the contingency plan is determined to be deficient, the Administrator will issue a deficiency notice to the plan holder describing the deficiencies. Upon receipt of a deficiency notice, the plan holder has 30 calendar days to submit a new or modified contingency plan addressing the deficiencies. The Administrator has 30 calendar days to determine if the corrections are sufficient to meet the requirements of this subchapter.

(g) If the owner or operator fails to adequately address the deficiencies after two deficiency notices citing the same deficiency, the Administrator may declare the contingency plan invalid and issue a letter of denial. The letter of denial will explain the reasons for denial and outline corrective actions, as appropriate. The owner or operator

must immediately cease activities where a spill of oil might impact waters of the state until the owner or operator has an approved contingency plan.

(h) The owner or operator may request reconsideration of a decision made by the Administrator regarding the denial of plan approval or revocation of an approved plan by following the process described in section 790.5 of chapter 1.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.9. Plan Revisions, Annual Updates, and Resubmittals.**

(a) If the plan holder makes updates or revisions to an approved contingency plan, the most current complete contingency plan must be submitted through the process described in section 805.7.

(b) The Administrator must be notified as soon as possible, via email to facilitycplans@wildlife.ca.gov, but at least within 24 hours of any significant change affecting the adequacy of an approved plan. A significant change is one that could affect timely and adequate oil spill response including, but not limited to, a permanent change in major equipment availability. Major equipment is something which, if removed or unavailable, would affect the minimum oil containment or recovery capability as described in subsection 805.15(i).

(c) A plan holder must submit a revision to a contingency plan, as described in section 805.7, if there are updates to required plan elements. The revision must be submitted within 15 calendar days of the plan holder becoming aware of the change. Mandatory revisions include, but are not limited to, the following:

(1) a change of the reasonable worst-case spill volume,

(2) a change in financial responsibility coverage,

(3) a change to the certified spill management team,

(4) a change to the contracted oil spill response organization,

(5) a change in qualified individual,

(6) a change in agent for service of process.

(d) An owner or operator of a facility who intends to change operations that may increase the threat of impacts to waters of the state, including but not limited to restarting idle facilities, must notify the Administrator and submit a revised contingency plan at least 60 calendar days prior to commencing the expanded operations.

(1) A plan holder must not commence expanded operations until the plan revision has been approved by the Administrator.

(2) Failure to notify the Administrator and submit a contingency plan revision as described in this subsection, including the associated time frames, will delay approval of the revision and may result in the facility being subject to a cease-and-desist order.

(e) Annual Update: An annual update to the Contingency Plan Cover Sheet DFW 456(xx/xx/xx) must be completed one year from the date of the approval letter via the online system certifying that plan contact information and service agreements are current and up to date. These contacts and service agreements include but are not limited to, the owner or operator, qualified individual, contingency plan point of contact, oil spill response organization, certified spill management team, and agent for service of process.

(1) The annual update must also include minor changes that do not affect timely and adequate oil spill response. This may include minor changes in equipment, personnel, or operating procedures.

(2) Mobile transfer units must include which area contingency plan geographic response areas they operated in the last year.

(f) Five-Year Resubmittal: Every five years each plan must be resubmitted for review and approval. Resubmittals are due 60 calendar days before the expiration date identified on the most recent approval letter will be reviewed pursuant to the process described in subsection 805.8. All documentation of contracts or other approved means utilized as evidence for required response resources must be dated within five years of the submission of the resubmittal.

(g) If a contingency plan on file with the Office of Spill Prevention and Response is over five years old from the date of the most recent approval letter and the plan holder has not submitted a complete up-to-date plan and received an acknowledgement letter, the Administrator will revoke approval and issue a revocation letter. The owner or operator must immediately cease activities where a spill of oil might impact waters of the state until the owner or operator has an approved plan.

(h) The Administrator may require more frequent updates or an earlier resubmission. The plan holder will be notified in writing if an update or earlier resubmission is required. The owner or operator must complete the update or resubmission within 30 calendar days of the date of the deficiency letter. The letter will include an explanation of the deficiencies for the required update or resubmission. The circumstances that may warrant an update or earlier resubmission include, but are not limited to, the following:

(1) A change in statute or regulations.

(2) The development of new oil spill response technologies that will provide best achievable protection.

(3) An increased need to protect wildlife or habitat.

(4) Deficiencies in oil spill response capability identified during an oil spill.

(5) Deficiencies in oil spill response capability identified during a drill or exercise.

(6) Changes in facility operations as described in subsection 805.9 (d) or changes to the facility that may increase the threat of impacts to waters of the state such as damage or removal of secondary containment.

(7) A change in the rating of an oil spill response organization or the certification of a spill management team.

(8) Any other situation where the Administrator determines the inability to provide timely and effective spill response impacts best achievable protection.

(i) The plan holder may request reconsideration of a requirement to update or resubmit the plan, by following the process described in section 790.5 of chapter 1.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.10. Plan Withdrawal.**

(a) A plan holder who discontinues operations that pose an oil spill risk to waters of the state, or a plan holder who is selling their facility must notify the Administrator requesting a withdrawal of their contingency plan. The request for withdrawal must include the contingency plan number and an effective date and must be sent to the Office of Spill Prevention and Response via email to facilitycplans@wildlife.ca.gov.

(b) Once the request is received, a withdrawal acknowledgment will be sent to the plan holder to confirm the withdrawal of the contingency plan.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.11. Public Review and Confidentiality of Plans.**

(a) The administrator will post a notice on Office of Spill Prevention and Response's website that a contingency plan is available for review within seven calendar days of receipt of a new or resubmitted plan.

(b) Submitted contingency plans may be reviewed by any member of the public pursuant to the California Public Records Act (Government Code section 7920.000 et seq.). A person interested in reviewing a contingency plan must contact the Administrator through the Public Record Act request process described on the California Department of Fish and Wildlife's website. Any person may submit written comments at any time during the review process or after a plan has been approved.

(c) A plan holder may designate information in a contingency plan submitted to the Administrator that the plan holder considers to be a trade secret, confidential, privileged, or otherwise exempt from public disclosure. The plan holder must follow the process

described in section 790.3 for making such designations and redactions at the time the plan is submitted for review.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.12. State Agency Review.**

(a) The administrator will send a copy of the plan to the Oil Spill Technical Advisory Committee within two business days of receiving a request.

(b) The Administrator will notify the State Lands Commission, the California Coastal Commission, and the San Francisco Bay Conservation and Development Commission upon acknowledging a new or resubmitted plan within their respective jurisdictions.

(c) These agencies may request a copy of the plan to review. Comments must be submitted to the administrator within 15 calendar days of receipt of the plan. The administrator will consider all comments submitted.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.13. Reasonable Worst-Case Spill Volumes.**

(a) The reasonable worst-case spill (RWCS) volume calculations for all covered facilities must be included in the attachment to the DFW 456. The reasonable worst-case spill volume for each type of facility, calculated in barrels, is as follows:

(1) Offshore pipelines.

(A) The reasonable worst-case spill volume is the volume of oil, and the oil cut percentage must be clearly presented in the calculation.

(B) The reasonable worst-case spill volume is the pipeline system leak detection time in hours, plus the pumping shutdown time in hours, multiplied by the highest measured oil flow rate in barrels per hour over the preceding 12-month period. For new offshore pipelines, use the predicted oil flow rate. To this calculation, add the total volume of oil that would drain from the pipeline after pumping has been stopped. The drainage volume should be calculated considering the effects of hydrostatic pressure, gravity, frictional wall forces, length of pipeline segment, tie-ins with other pipelines, volume of produced water, and other factors as appropriate.

(2) Offshore platforms (except those drilling a new well, which are addressed in subsection 805.13(a)(3)).

The reasonable worst-case spill volume is the largest of (A), (B), or (C) below. The reasonable worst-case spill volume is the volume of oil and condensate. The oil cut percentage must be clearly presented in the calculation.

(A) The maximum capacity of all oil storage tanks and flow lines on the facility. Flow line volume may be estimated; plus

(B) The volume of oil calculated to leak from a break in any pipelines connected to the facility considering shutdown time, the effect of hydrostatic pressure, gravity, frictional wall forces and other factors; plus

(C) The sum of the daily production volume from an uncontrolled 30-calendar day blowout of the highest capacity well associated with the facility. In determining the daily discharge rate, the owner or operator must consider reservoir characteristics, casing and production tubing sizes, and historical production and reservoir pressure data.

(3) Offshore platforms with active well drilling.

The reasonable worst-case spill volume is the sum of the daily production volume from an uncontrolled 30-calendar day blowout. In determining the daily discharge rate, the owner or operator must consider any known reservoir characteristics. The owner or operator of a platform at which a new well is being drilled must submit a proposed reasonable worst-case spill calculation for platform operations to the Administrator.

(4) Onshore pipelines.

The reasonable worst-case spill volume is the largest of:

(A) The maximum time between pipeline rupture and discovery in hours, plus the maximum shutdown response time in hours, multiplied by the maximum flow rate in barrels per hour over the preceding 12-month period, plus the largest line drainage volume after shutdown of the line section(s) expressed in barrels. Line section means a continuous run of pipe that is contained between adjacent pressure pump stations, between a pressure pump station and a terminal or breakout tank, between a pressure pump station and a block valve, or between adjacent block valves; or

(B) Largest historic spill adjusted for any subsequent preventive actions taken.

(C) If the pipeline has one or more breakout tanks not regulated as aboveground storage tanks, as defined in section 790, then the reasonable worst-case spill volume is the capacity of the single largest tank or battery of tanks within a single secondary containment system. If the largest tank or battery of tanks has secondary containment greater than 100 percent, then the reasonable worst-case volume is 25 percent of the volume of the largest tank or tank battery.

(5) Railroads.

The reasonable worst-case spill volume for a railroad is based on the railroad's maximum speed in California, as stated in the most recent timetable filed by the railroad with the Federal Railroad Administration, and the amount of oil in bulk transported. The reasonable worst-case spill volume is the greater of the capacity of the largest single

tank car the railroad may include in a consist or a percentage of the total oil in bulk transported depending on the maximum speed, as follows:

| Maximum Speed: | Reasonable worst-case spill volume is the greater of: |
|---|---|
| 10 mph | One tank car or 1% of all oil in bulk |
| 25 mph | One tank car or 5% of all oil in bulk |
| Greater than 25 mph | One tank car or 20% of all oil in bulk |

(6) Onshore production facilities.

The reasonable worst-case spill volume is the largest of (A), (B), or (C) below. The reasonable worst-case spill volume is the volume of oil and condensate. The owner or operator is required to respond to and clean up the impacts of any produced water spilled.

(A) Fifty percent of the capacity of the single largest production tank located within one-quarter (¼) mile of waters of the state.

(B) The maximum time to discover the release from the largest volume pipeline or hose in barrels, plus the maximum time to shut down flow from this line, pipe, or hose in hours (based on historic discharge data or the best estimate in absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus the total line fill drainage volume expressed in barrels. If an oil cut percentage is applied, it must be clearly presented in the calculation.

(C) Ten percent of the daily average of oil and condensate of the largest producing well (excluding produced water) as reported to the California Geological Energy Management Division each year pursuant to sections 3406 and 3227 of the Public Resources Code. Although this volume does not include the water content (produced water), the owner or operator is required to respond to and cleanup the impacts of produced water. The daily average must be based upon the number of days the well was producing in the previous calendar year.

(7) Mobile transfer units.

The reasonable worst-case spill volume for a mobile transfer unit is the total tank storage capacity.

(8) Marine terminals, small marine fueling facilities, and other facilities not described in subsections 805.13(a)(1) through (7).

(A) The volume that could enter waters of the state during emergency shut-off, transfer, or pumping operations if the facility's pipelines or hoses rupture or become disconnected. The volume must be calculated by adding together 1. and 2. below:

1. Loss during shutdown. The maximum time to discover the release from the pipeline or hose in hours, plus the maximum time to shut down flow from the pipeline or hose in hours (based on historic discharge data or the best estimate in absence of historic discharge data for the facility) multiplied by the maximum flow rate expressed in barrels per hour (based on the maximum relief valve setting or maximum system pressure when relief valves are not provided) plus

2. Line drainage volume. The total line drainage volume expressed in barrels, based upon the diameter and the length of the piping that could drain.

(B) If a facility has multiple pipelines or hoses that are used to transfer oil, the calculation described in subsection 805.13(a)(8) must include all piping. If only a subset of the pipelines or hoses are operated at a time, the calculation may omit the loss during shutdown for the piping not in use, but it must include the line drainage volume for all piping.

(C) If a facility has any in-line, breakout, or portable storage tanks that are not regulated as aboveground storage tanks or underground storage tanks, as defined in section 790, that are needed for the continuous operations of the facility to handle or transport oil, the loss of the entire capacity of all such tanks must be added to the volume already calculated.

(b)(1) All parameters and calculations used to determine the reasonable worst-case spill volume must be included in the DFW 456 attachment.

(2) To accomplish this, plan holders should use the reasonable worst-case spill volume calculator posted on the Office of Spill Prevention and Response's website and include the report of the calculator as part of the DFW 456 attachment.

(3) If the reasonable worst-case spill volume calculation uses modeled output for any of the parameters, such as line drainage volume, all the inputs, assumptions, and a depiction or graph of the output must be included in the DFW 456 attachment.

(c) If the contingency plan covers multiple facilities, then the reasonable worst-case spill volume of all facilities covered by the plan must be included. The reasonable worst-case spill volumes on the certificate of financial responsibility application must match the reasonable worst-case spill volumes listed in the plan.

**§ 805.14. Response Manual.**

(a) General Information

A complete and up-to-date printed copy of the response manual must be available to response personnel for use during an emergency and to relevant state and federal agencies for inspection and review. The response manual must include all of the following:

(1) A table of contents with functioning hyperlinks to the content corresponding to each element required by this subsection.

(2) The plan name and the Office of Spill Prevention and Response-issued contingency plan number as described in subsection 805.8(c). The revision date must be referenced in the plan title or on a title page at the front of the response manual.

(3) The name and physical address of all facilities covered by the plan, and mailing address, if different from the physical address.

(4) The name, mailing address, phone number and email address of both the owner and the operator of the facilities, and clear designation of which entity is the plan holder responsible for developing and maintaining the contingency plan.

(5) A contact list or flow chart of immediate contacts and phone numbers to call upon discovery of a spill or threatened spill of oil, or for a drill or exercise. Contact information must match the details provided in the DFW 456 attachment described in subsection 805.15. Listed contacts must include, but are not limited to:

(A) The designated qualified individual, as defined in section 790 of chapter 1, and any designated alternates.

(B) The rated oil spill response organization contracted by the owner or operator.

(C) The federal National Response Center.

(D) The California Governor’s Office of Emergency Services State Warning Center.

(E) The designated certified spill management team.

(F) Plan holder contacts responsible for any plan holder-controlled response resources.

(G) The Oiled Wildlife Care Network or alternate wildlife care and treatment organization approved by the Administrator.

(H) Marine traffic. If the facility is located in a high volume port and engaged in transfer operations, include all very high and ultra-high radio frequencies utilized to contact surrounding vessels in proximity.

(I) A table or list of local interested parties, including organization name, point of contact name, phone number, and email address, if available, corresponding to the offsite consequence analysis conducted pursuant to subsection 805.15(e), for the following:

1. Commercial and recreational fisheries areas, aquaculture sites, marinas, boat ramps, public beaches and parks, and recreational use areas.

2. Industrial, irrigation, and drinking water intakes, including dams, power plants, and salt pond intakes

3. Publicly known historical, cultural, and archaeological sites

(6) Call-out procedures. The following requirements must be acknowledged in the spill notification procedures:

(A) Telephonic notifications to the qualified individual, contracted oil spill response organization, California Governor's Office of Emergency Services State Warning Center, and the National Response Center must be initiated immediately but not later than 30 minutes after discovery of, or being informed of, a spill or threatened spill of oil.

(B) All notifications, time stamps, and associated control numbers must be documented on page two of the ICS Form 201 – Incident Briefing (U.S. Coast Guard rev. 06/13; U.S. Environmental Protection Agency rev. 05/18).

(C) An updated estimate of the volume of oil spilled and the total volume at risk of spilling must be reported to the California Governor's Office of Emergency Services State Warning Center whenever there is a change to the estimated volume, but not less than every 12 hours within the first 48 hours of response. The state on-scene coordinator, through the unified command, has the option of increasing or decreasing this time frame, depending upon the need for additional notice about the spill. Updated spill volume information included in the incident action plan developed through the unified command will meet the requirements of this subsection.

(D) Initial contact with the qualified individual does not relieve the plan holder from making timely notifications required by 805.14(a)(6)(A)

(E) The required notifications listed in 805.14(a)(6)(A) must not be delayed solely to gather all the information identified in 805.14(b).

(7) The 24–hour emergency telephone number of the California Governor's Office of Emergency Services must be posted at every railroad dispatch, pipeline operator control center, marine terminal, area of control of every other facility, and on the bridge of every tank ship in marine waters.

(b) Spill Information Notification Requirements.

A form or checklist of the information to be reported in the notification procedures, including but not limited to:

(1) Facility name and location with site access points;

(2) Date and time of the incident;

(3) Location of the spill, including latitude and longitude if available;

(4) Cause of the spill

(5) An estimate of the volume of oil spilled and the volume at immediate risk of spilling;

(6) Type of oil spilled, and any inhalation hazards or explosive vapor hazards, if known;

(7) Actions taken or planned by personnel on scene;

(8) Injuries and fatalities; and

(9) Any other information that may be relevant or appropriate.

(c) Diagrams and Maps.

All facilities, excluding railroads and mobile transfer units, must provide diagrams and maps depicting the items described in (1) through (5) of this subsection. Railroads must provide information described in (i) of this section. Mobile transfer units must provide diagrams and maps depicting the items described in (6) in this subsection. All maps must include a north arrow, legend, and map base layer that is clear and readable.

(1) A regional map of the facilities, to include county boundaries and a local map that identifies facility boundaries, site access and exit points, internal roads, and adjacent street names within one-quarter (¼) mile of the facility.

(2) A site plan diagram must include and identify the following, as applicable:

(A) The entire facility;

(B) All oil storage tanks with identification of which tankage is regulated as aboveground storage tanks or underground storage tanks, as defined in section 790;

(C) Capacities of bulk oil storage tanks;

(D) The content type and capacities of surface impoundments;

(E) Process buildings in the supply chain of oil;

(F) Facility transfer points;

(G) Secondary spill containment systems (location and capacity);

(H) Location of communication equipment;

(I) Location of plan holder-owned oil spill response equipment;

(3) Piping, instrumentation, and tank diagrams, as applicable, including the location of pumps, valves, vents, and breakout tanks;

(4) Oil well locations by field including the American Petroleum Institute well number for the well;

(5) Control stations and safety equipment;

(6) A site drainage topographic map for each facility, which must, as appropriate, include:

(A) major sanitary and storm sewers, manholes, and drains that exit the property;

(B) water collection locations;

(C) weirs and shut-off valves; and

(D) waters of the state within facility boundaries

(7) For facilities that may impact tidally influenced waters, with the exception of mobile transfer units, include a copy of the National Oceanic and Atmospheric Administration chart or document depicting similar information as the local National Oceanic and Atmospheric Administration chart. The chart must clearly identify the facility and cover the geographic response areas identified as being impacted in the 12-hour trajectory included in the offsite consequence analysis.

(8) For mobile transfer units, include an instrumentation and diagram of the mobile transfer unit.

(d) For railroads:

(1) Include a map of the railroad's tracks through each response region, as defined in 790, where an oil spill could impact waters of the state. This map must include, at a minimum, the following information:

(A) Track routes and major rail facilities;

(B) Location(s) of perennial and tidally influenced waters;

(C) The high threat urban areas in California as defined by federal law (49 Code of Federal Regulations part 1580, appendix A);

(D) High hazard areas or local safety hazard sites designated and defined by the California Public Utilities Commission; and

(E) Location of any pre-staged spill response equipment and personnel

(2) List and description of any pre-staged spill response equipment and personnel for deployment of the equipment.

(3) A list of the railcar types or models in which oil in bulk may be transported.

(e) Response Procedures

(1) A checklist, flowchart, or decision tree depicting the procession of each major stage of spill response operations for 24 hours after spill discovery. The checklist, flowchart, or decision tree must describe the general order and priority in which key spill response activities are performed and must include procedures for activating the designated certified spill management team.

(2) A list of plan holder-owned response resources and locations and a description of the procedures to be used by facility personnel to minimize the magnitude of a spill and initiate a response before the arrival of the rated oil spill response organization and certified spill management team.

(A) Spill mitigation procedures must include methods to achieve immediate emergency shutdown, immediate containment strategies, methods to stop the spill at the source,

and methods to slow or stop leaks. A copy of these procedures must be maintained at the facility operations center.

(B) The procedures must be consistent with the most likely causes of an oil spill, as identified in the Hazard Evaluation as described in subsection 805.15(b). Diagrams of all applicable deployment strategies must be included.

(C) Procedures to manage access to the spill response site and the designation of exclusion, decontamination, and safe zones, and for decontamination of equipment and personnel during and after oil spill response operations.

(D) Procedures to provide the required personal protective equipment for plan holder employees who conduct response actions.

(3) Description of how emergency services will be provided before the arrival of local, state, or federal authorities on the scene, including:

(A) Procedures to address fires and explosions.

(B) Procedures for emergency medical treatment and first aid.

(4) For facilities that may impact tidally influenced waters and conduct vessel operations, procedures for vessels that are in the operational control of the facility for loading and unloading during an oil spill.

(5) The location of safety data sheets for the oil handled or transported. The safety data sheets must be made immediately available to the Administrator or other responders upon request.

(6) A list or map(s) of the environmentally, economically, and culturally sensitive sites for which site protection strategies have been established in the area contingency plan or in geographic response plans along the trajectory in accordance with the offsite consequence analysis conducted pursuant to subsection 805.15(c)(2). For facilities impacting tidally influenced waters, the trajectory for the longest timeframe modeled must be referenced. Web links to the area contingency plan and geographic response plan strategies must be included.

(7) The response manual must acknowledge the requirement to complete a site safety and health plan as required pursuant to section 5192, of title 8, of the California Code of Regulations. Applicable site safety and health plan elements may include, but are not limited to, site hazards, respiratory protection, personal protective equipment, confined space entry, direct reading instruments and exposure monitoring.

(f) Disposal

The response manual must describe any actions to be taken or procedures to be used to ensure that all recovered oil and oil contaminated debris produced as a result of any discharge are disposed according to federal, state, or local requirements.

Note: Authority cited: Sections xx, Government Code. Reference: Sections xx, Government Code.

**§ 805.15 Contingency Plan Cover Sheet Attachment Content.**

The following information is required to be included within a single attachment accompanying the DFW 456:

(a) Evidence of a certified spill management team, as described in section 805.8(a)(4)(B) of this subchapter.

(b) A reasonable worst-case spill volume calculation for all facilities covered by the plan, as described in section 805.13 of this subchapter.

(c) Prevention and Protection Measures.

(1) A description of any leak detection system and alarm system for tanks or pipelines, including the number of staff assigned to operate and monitor the system daily. The operating manual for the leak detection and alarm system must be promptly provided to the Administrator upon request.

(2) A description of the protection methodologies for any pipelines and tanks, such as cathodic protection.

(3) A description of any lateral movement detection system for subsea pipelines. Include the date the protection was installed, and the inspection and maintenance process for each method. If there is no lateral movement detection system, the attachment must state that.

(4) The plan holder must provide the following documents to the Administrator within five calendar days of a request. The plan holder must expressly acknowledge this requirement.

(A) Maintenance schedule and procedures for any pipelines and tanks, including internal and external inspections, for assessing corrosion, damage, lateral or vertical movement, and leaks.

(B) Maintenance schedule and procedures, including inspections, for ensuring any secondary containment is intact, including protection of drains leading off the property.

(C) The schedule and process for discovering and assessing unauthorized activity in a right-of-way.

(D) For a railroad, the maintenance schedule, and procedures, including inspections, for the track, signaling equipment, and switching equipment.

(d) Hazard Evaluation Study.

(1) Each owner or operator must conduct a hazard evaluation analyzing the hazards associated with operating the facilities that could cause an oil spill, including use of the

facility by vessels, operator error, equipment failure, corrosion, and external events. A summary of the results of the analysis must include the following:

(A) The type of hazard evaluation conducted (e.g., what-if, checklist, hazard and operability, fault tree analysis).

(B) The hazards identified, including an indication of any hazards that resulted in a historical spill from the facility.

(C) For each hazard identified, a description of the measures taken to prevent and mitigate an oil spill resulting from the hazard, including time frames for any measures that cannot be functional immediately.

(D) The relative frequency that each hazard may occur and the duration and potential volume of a spill resulting from the hazard.

(2) The hazard evaluation must be reviewed and updated if facility operations change, including but not limited to, adding a new facility, increase in throughput at a facility, and restarting an idle facility.

(3) This subsection does not require railroads subject to the jurisdiction of the federal Surface Transportation Board to disclose the confidential contents of any safety or security plan required by federal law; however, railroads must otherwise comply with the provisions of this subsection.

(e) Offsite Consequence Analysis.

(1) For all facilities except mobile transfer units, the plan must include an offsite consequence analysis for a spill of the reasonable worst-case volume into waters of the state. The offsite consequence analysis must include the following:

(A) A trajectory or series of trajectories for each area contingency plan for tidally influenced waters and response planning area for non-tidally influenced waters of which the plan holder’s operations pose a risk to waters of the state.

1. Each trajectory must identify the potential direction, rate of flow, and time of travel of the reasonable worst-case spill from the facility into to waters of the state, accounting for natural and manmade pathways and barriers.

2. The trajectory or trajectories must be accompanied by a brief description of the timeframe, oil type, and volume modeled, as well as the weather, winds, tides, water dispersion, and other environmental conditions considered in the analysis.

3. Each trajectory must be depicted on a map including a title, legend, north arrow, scale, and relevant place names and geographic features.

(B) For risks to tidally influenced waters, in addition to the requirements of (c)(1)(A), the following must be included in the offsite consequence analysis:

1. A trajectory modeling the largest reasonable worst-case spill volume in each area contingency plan in which the plan holder's operations pose risks to tidally influenced waters. Trajectories must be based on regional extremes of climate, tides, currents, and wind with consideration of seasonal differences.

2. The timeframes required to be modeled for each trajectory are based upon the reasonable worst-case spill volume, as identified in Table 1 below.

3. For purposes of environmental sensitive site protection, the offsite consequence analysis must include a list of the area contingency plan number(s) and geographic response area number(s) impacted by the 12-hour trajectory or trajectories.

***Table 1 – Trajectory Requirements for Tidally Influenced Waters***

| Reasonable Worst-Case Spill Volume | Required Trajectory |
|---|---|
| Less than 10 barrels | 12 hours |
| 10 to 50 barrels | 12 and 48 hours |
| Greater than 50 barrels | 12 and 72 hours |

(C) For risks to non-tidally influenced waters, in addition to the requirements of (c)(1)(A), the following must be included in the offsite consequence analysis:

1. For risks to perennial waters, the offsite consequence analysis must include a trajectory modeling the largest reasonable worst-case spill volume impacting perennial waters in each response planning area in which the plan holder's operations pose risks to perennial waters. The trajectory must model a timeframe of six hours, considering the highest flow or current in the waterway.

2. If there are no impacts to perennial waters, the offsite consequence analysis must include a trajectory modeling the largest reasonable worst-case spill volume in each response planning area in which the plan holder's operations pose risks to intermittent or ephemeral waters The trajectory must consider the topography surrounding the facility and model the potential direction, rate of flow, and time of travel of product from the facility to waters of the state

(2) Based on the trajectory or series of trajectories described in (B) and (C) above, the analysis must identify the resources at risk of being impacted by a spill from the facility to waters of the state and shorelines, including shallow-water environments. The resources at risk must include the following:

(A) Habitat and shoreline types, as identified in Table 1 and Appendix C of the National Oceanic and Atmospheric Administration's Shoreline Assessment Manual (Aug. 2013), or as identified in the American Petroleum Institute's Options for Minimizing

Environmental Impacts of Inland Spill Response (Oct. 2016), each incorporated by reference herein.

(B) The presence of state or federally listed rare, fully protected, threatened, or endangered species, or state species of special concern, including aquatic and terrestrial animal, fish, and plant resources.

(C) The plan holder may rely on area contingency plans, geographic response plans, and other sources to identify the information required by (A) and (B) of this paragraph.

(1) If area contingency plans or geographic response plans are relied upon, the attachment must include functioning hyperlinks to the applicable area contingency plan or geographic response plan and clearly specify which sections, maps, figures, site strategy numbers, contacts, or other information is referenced.

(2) If other sources are used to identify the information required by (A) and (B) of this paragraph, the attachment must include functioning hyperlinks to the sources and clearly specify which sections, maps, figures, contacts, or other content is referenced. If a functioning hyperlink is not available, the relevant information must be included in the attachment.

(D) Having a contract with a rated oil spill response organization does not alleviate the requirement for this analysis.

(f) Response Resources.

(1) The plan holder must demonstrate the availability of response resources to perform containment (e.g., hard boom), recovery of spilled oil and oily waste (e.g. skimming), storage of recovered materials (e.g. tanks, bladders, solids), shoreline cleanup, environmental sensitive site protection, and implementation of any pre-identified response strategies to address a spill of the reasonable worst-case spill volume.

(2) The plan holder must have a contract or other approved agreement with at least one rated oil spill response organization with appropriate service ratings (as described in section 819.01) to meet the requirements of this subsection. The attachment must include evidence of the contract or other approved means with all rated oil spill response organizations utilized to satisfy these requirements. The contract(s) must clearly identify what spill response services are being provided (e.g. marine on-water containment and recovery, inland on-water containment and recovery, terrestrial services, environmental sensitive site protection, shoreline cleanup, non-floating oil, and/or low light detection).

(3) Sufficient trained personnel and equipment is required to respond to all oil spills up to the reasonable worst-case spill volume and must remain on scene until demobilized by the incident command or the unified command.

(4) The response resources necessary to address the reasonable worst-case spill volume are brought to the scene of the spill over a period of time. The time frame for

arrival and operational deployment of response resources is measured from the time the plan holder discovers or receives notification of the spill, drill, or exercise.

(5) All response resources identified in the tables below for the first six hours must be dedicated or OSRO-owned and controlled resources, as defined in section 790, except for terrestrial response resources. Terrestrial response resources are not required to be dedicated or OSRO-owned and controlled.

(6) Tidally influenced waters: If a facility poses a risk to tidally influenced waters, then the plan holder must demonstrate the response capabilities based upon the facility's risk zone, either a high volume port or a facility transfer area and the Santa Barbara Channel. The resource requirements for these areas are described in Table 2 for high volume ports and Table 3 for facility transfer areas and the Santa Barbara Channel.

(A) On-water Recovery Resources.

1. Plan holders are required to have available the amount of on-water recovery equipment and services necessary to address the daily recovery rate established by this subsection, depending on the facility's risk zone. The daily recovery rate is quantified as the sum of the effective daily recovery capacity of all skimming equipment. Skimming equipment meeting the required daily recovery rates must be brought to the location of the spill within the time frames listed in Table 2 for high volume ports and Table 3 for facility transfer areas and the Santa Barbara Channel.

2. All on-water recovery response resources must be capable of being deployed and operable within one hour of arrival on-scene of the spill or drill but no later than the designated time frame for each risk zone. The response times are measured from the time of discovery or notification of a spill or drill.

(B) Temporary storage. Plan holders are required to have available the required amount of temporary storage in barrels based upon the facility's risk zone. The required amounts of temporary storage must be brought to the location of the spill or staging area and be available to accept recovered material within the timeframes listed in Table 2 for high volume ports and Table 3 for facility transfer areas and the Santa Barbara Channel.

(C) Containment Boom.

1. Plan holders are required to have available the required amount of containment boom in feet based upon the facility's risk zone. Containment boom is boom for which the boom draft plus boom freeboard ranges from 18 to 42 inches. The required amounts of boom must be brought to the location of the spill within the time frames listed in Table 2 for high volume ports and Table 3 for facility transfer areas and the Santa Barbara Channel.

2. Plan holders who conduct oil transfer operations that pose impacts to tidally influenced waters have additional requirements for containment boom, which are described in sections 840 through 845.2 of this chapter.

(D) Response Resource Requirements for Tidally Influenced Waters

***Table 2 – Response Resource Requirements for High Volume Ports***

| Hour | Containment Boom (feet) | Recovery (EDRC) | Storage (barrels) |
|---|---|---|---|
| 2 | 2,000 | 3,125 | - |
| 4 | 2,000 | 13,250 | 520 |
| 6 | 4,000 | 23,500 | 12,000 |
| 12 | 4,000 | 23,500 | 23,500 |
| 24 | 4,000 | 31,250 | 31,250 |
| 48 | 4,000 | 46,875 | 46,875 |

*** Amounts are not cumulative; only the amounts indicated in the hour time frames in the table are required.

***Table 3 – Response Resource Requirements for Facility Transfer Areas and the Santa Barbara Channel***

| Hour | Containment Boom (feet) | Recovery (EDRC) | Storage (barrels) |
|---|---|---|---|
| 2 | - | 3,125 | - |
| 4 | - | 3,125 | 520 |
| 6 | 2,000 | 6,250 | 5,000 |
| 12 | 2,000 | 19,500 | 19,500 |
| 24 | 2,000 | 25,250 | 25,250 |
| 48 | 4,000 | 35,250 | 35,250 |

*** Amounts are not cumulative; only the amounts indicated in the hour time frames in the table are required.

(7) Non-tidally influenced waters.

(A) If a facility poses a risk to perennial waters, then the plan holder must demonstrate the inland on-water response capabilities described in Table 4 below.

***Table 4 – Response Resource Requirements for Perennial Waters***

| Hour | Containment Boom (feet) | Recovery (EDRC) | Storage (barrels) |
|---|---|---|---|
| 6 | 1,000 | 820 | - |
| 12 | 5,000 | 4,100 | 1,500 |
| 24 | 10,000 | 8,200 | 3,000 |
| 48 | 10,000 | 8,200 | 6,000 |

*** Amounts are not cumulative; only the amounts indicated in the hour time frames in the table are required

(B) If a facility poses a risk to intermittent or ephemeral waters only, then the plan holder must demonstrate the response resources and capabilities to contain, recover, and store a spill of the reasonable worst-case spill volume within or near the dry portions of the waterway (e.g., bed, bank, channel areas). These resources must be available within the time frames described in Table 5 below.

***Table 5 – Terrestrial Response Resource Requirements***

| Hour | Containment and Recovery | Storage |
|---|---|---|
| 6 | Sufficient equipment for 50% of reasonable worst-case spill volume | 120 barrels |
| 12 | Sufficient equipment for 75% of reasonable worst-case spill volume | 240 barrels |
| 24 | Sufficient equipment for 100% of reasonable worst-case spill volume | 360 barrels and 20 cubic yards |

(8) Shoreline Cleanup.

The plan holder must identify and ensure availability through a contract or other approved means (as defined in section 790 of this subdivision) the capability to conduct shoreline cleanup. The plan must describe the methods that will be used to contain spilled oil and remove it from the shoreline types identified in the offsite consequence analysis. The description must include:

(A) All shoreline cleanup procedures and oil diversion and pooling procedures for the close-to-shore environment. These procedures must include, where appropriate, methods for carrying out response operations and cleanup strategies in shallow-water environments, as identified in the trajectory analysis conducted as part of the offsite consequence analysis.

(B) The methods for shoreside cleanup, including containment and removal of surface oil, subsurface oil and oiled debris and vegetation from all applicable shorelines, adjacent land, and beach types that are consistent with .

(C) The  measures to be taken to minimize damage to the environment from land operations during a spill response, such as impacts to sensitive shoreline habitat caused by heavy machinery or foot traffic.

(9) Sensitive Site Protection Equipment and Services.

Each plan must identify and ensure availability through a contract or other approved means (as defined in section 790 of this subdivision), the capability of effecting environmental sensitive site protection strategies pursuant to section 828.1. The specific area contingency plans and geographic response areas where equipment and services must be available for use must be identified in the offsite consequence analysis 12-hour trajectory.

(A) Facilities that provide their own shoreline protection of environmental sensitive sites must participate in the Office of Spill Prevention and Response's sensitive site strategy evaluation program, as described in section 819.04 of this subchapter.

(B) Any equipment and personnel identified to meet the planning standard requirements must be available for response. Any changes in response resources status or availability must be managed in accordance with subsection (I).

(10) Non-floating Oil.

If a facility handling non-floating oils, as defined in section 790, poses a risk of a spill into waters of the state, then the contingency plan must demonstrate the means to recover non-floating oil up to the reasonable worst-case spill volume. Such equipment and resources must include, but are not limited to, the following methods and equipment for:

1. Locating the oil suspended in the water column (e.g., sonar, sampling equipment, etc.) or on the bottom of the waterbody;

2. Reducing spreading on the bottom (e.g., containment boom, sorbent boom, silt curtains, etc.);

3. Recovering oil from the bottom (e.g., dredges, pumps, etc.);

4. Tracking the movement of discharged oil such as trajectories, water sampling or modeling;

(B) The requirements of this subsection can be satisfied by evidence of a contract or other approved means with one or more oil spill response organizations with a non-floating oil rating.

(11) Oil detection on-water capabilities.

For facilities that pose impacts to tidally influenced waters, the contingency plan must provide for aerial oil tracking resources capable of detecting oil on water in conditions of lowlight or adverse sea state conditions and that can arrive on-scene within six hours of spill notification. The requirements of this subsection may be satisfied by evidence of a contract or other approved means with an organization with the capability described in this paragraph. Such equipment and resources may include, but are not limited to, the following methods or equipment to complete oil detection in tidally influenced waters:

(A) Forward looking thermal infrared imagery (FLIR) or infrared imaging of similar design, or;

(B) Multispectral sensors (MS) in combination with thermal infrared imaging, or;

(C) Side looking airborne radar (SLAR).

(12) The time frames for equipment delivery and deployment as specified in this subsection do not consider the time required to conduct a health and safety assessment of the site as set forth in section 805.14(j)(7) and as required by the California Occupational Safety and Health Administration. In addition, these time frames do not account for delays that may occur due to weather or sea state. The actual time necessary to deliver and deploy equipment will be assessed at the time of an incident or a drill and will consider the prevailing conditions of weather and sea state, as well as the site assessment requirements.

(13) All response resources must be appropriate for use on the type of oil identified, and must be appropriate for use in the environment, habitat, terrain, and waterbody in which the response resources are being considered for use.

(g) Plan Holder-Owned Response Resources.

If a facility owner or operator does not contract with a rated oil spill response organization for the requirements and capabilities described in this subsection and intends to meet these requirements with owner or operator owned equipment and personnel, then the owner or operator must provide the information listed in this subsection, and the owner or operator must comply with the oil spill response organization rating requirements as described in sections 819-819.07 of this subchapter.

(A) The number of personnel available to deploy the plan holder owned equipment;

(B) The location, inventory, and ownership of the equipment to be used to fulfill the response requirements of this subchapter.

(C) The type and capacity of temporary storage for oil products and transfer equipment matched to recovery systems;

(D) Identification of locations for proper disposal of hazardous materials including oil.

(E) Procedures for storage, maintenance, inspection, and testing of spill response equipment under the immediate control of the operator;

(F) Sufficient equipment to track the movement of discharged oil, including aerial surveillance sufficient to direct skimming operations.

(G) A narrative description of how containment, recovery, storage, and environmental sensitive site protection equipment, personnel and other response resources will be transported or delivered to a spill site. The description must account for adverse environmental conditions, adverse weather, water currents or flow (e.g. cubic feet per second), sea state, winds, and any other conditions that may be reasonably anticipated which could hinder response efforts.

(H) For facilities where an oil spill may impact tidally influenced waters, the attachment must also include the following for plan holder-owned equipment:

1. Vessels designated for oil recovery operations, including skimmer vessels and vessels designed to tow and deploy boom, and availability of shallow-draft vessels; and

2. Vessels of opportunity, if any, reasonably available for oil spill recovery operations, including availability of shallow-draft vessels, procedures to equip the vessels, and trained personnel.

3. The amounts of all protective booming, shallow-draft vessels, and shoreline protection equipment necessary to meet the requirements in section 828.1. The equipment identified must be appropriate for use in that area given the limitations of the bathymetry, geomorphology, shoreline types and other local environmental conditions.

(h) Readiness, Movement, and Cascading of Plan Holder-Owned Response Resources.

1. All plan holder-owned and controlled response resources identified in the contingency plan must be available, deployable, and operational for an exercise, drill, or spill. The plan holder must notify the Administrator when major equipment identified in the contingency plan is removed from service for a period of 24 hours or more for maintenance, sale, or any other reason.

2. Notification must be made to the Administrator 15 calendar days prior to removing equipment for planned or anticipated removal, and within 24 hours after removing equipment for unplanned or unanticipated reasons.

3. The plan holder must demonstrate that backup equipment is available during the time that the major plan holder-owned and controlled equipment is out of service. Backup equipment may be provided from the plan holder’s own inventory or may be made available from another source.

4. The plan holder must notify the Administrator within 24 hours when the major plan holder-owned and controlled equipment is back in service.

5. If plan holder owned and controlled response resources identified in the contingency plan are to be moved out of the plan holder's planning area, and that movement may impact the plan holder's containment, recovery, or storage capability within the first six hours of a spill, the plan holder will make a request to the Administrator to temporarily reduce the minimum oil recovery capability before the response resources can be moved.

(i) Applied Response Technologies and Oil Spill Cleanup Agents.

The plan holder may propose the use of non-mechanical methods for response operations which may include dispersants, in-situ burning, coagulants, bioremediants, or other chemical agents. The use of any non-mechanical method for response must be done in accordance with provisions of the California Oil Spill Contingency Plan, the National Oil and Hazardous Substances Pollution Contingency Plan, the applicable federal area contingency plan, the California Dispersant Use Plan, and all applicable state laws and regulations, specifically California Code of Regulations, title 14, section 886.1. If a non-mechanical method of response is proposed, the facility’s contingency plan must include the names, quantities, and deployment method and timeframes for its application.

(j) Oiled Wildlife Care Requirements.

(1) Plan holders must identify methods for providing rescue, care, and rehabilitation of oiled wildlife. If the plan holder does not indicate use of the Oiled Wildlife Care Network on the DFW 456, the plan holder must identify an alternate wildlife rescue, care, and rehabilitation organization that meets the requirements of this subparagraph.

(A) The rescue, care, and rehabilitation organization must possess a scientific collection permit issued by the U.S. Fish and Wildlife Service that specifically allows for live animal and carcass collection in accordance with 50 Code of Federal Regulations parts 10, 13, and 21.23.

(B) The rescue, care, and rehabilitation organization must possess a rehabilitation permit issued by the U.S. Fish and Wildlife Service. Care and processing facilities must be fully permitted and licensed by the California Department of Fish and Wildlife pursuant to California Code of Regulations, title 14, section 679. All rehabilitation activities must be conducted in accordance with section 679 and follow the Standards for Wildlife Rehabilitation (2021) developed by the National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council, incorporated by reference herein.

(C) The rescue, care, and rehabilitation organization must have the infrastructure, training, and capacity to safely handle and dispose of oily waste solids and liquids

generated through oiled wildlife care operations. This includes obtaining any permits for handling and disposal of the oily waste.

(D) The rescue, care, and rehabilitation organization must have sufficient qualified staff to fill the positions of Deputy Wildlife Branch Director, Hazing and Deterrence Group Supervisor, Recovery Group Supervisor, Field Stabilization Group Supervisor, and Care and Processing Group Supervisor, as well as all associated staff under the direction of each of these positions as described in Wildlife Response Plan for Oil Spills in California (2016), incorporated by reference herein.

(2) Plan holders using an alternate wildlife rescue, care, and rehabilitation organization must include the following information in the attachment:

1. contact information and activation procedures for the wildlife rescue, care, and rehabilitation organization;

2. facility locations; and

3. a list of the required permits with permit numbers and issue dates.

4. Supporting documents including copies of the permits, documentation of personnel qualifications, the organization's waste disposal plan, equipment details, and facility specifics must be available within five calendar days of a request by the administrator.

(k) Incident Command System, Communications Plans, and Claims for Damages.

(1) Incident Command System

The incident command system or the unified command structure must be used as required by California Code of Regulations, Title 8, subsection 5192(q)(3)(A). The Office of Spill Prevention and Response will serve as Environmental Unit Leader, Liaison Officer, Volunteer Unit Leader, and Wildlife Branch Director for oil spill responses in California. The plan holder must explicitly acknowledge this requirement in the DFW 456.

(2) Communications Plans

If the plan holder uses communications plans different than those used in the incident command system, the communications plan must be described in the attachment.

(3) Claims for Damages

The plan holder must immediately and widely advertise the way it will accept and pay claims for damages as a result of an oil spill, pursuant to Government Code section 8670.51.1. This will include at least a website, phone number, press releases, and a notice published in a prominent local newspaper that is circulated in the areas affected by the spill. The website must be sufficiently optimized and tagged to appear prominently in internet searches about the incident. The plan holder must explicitly acknowledge this requirement in the DFW 456.

(*l*) Equipment Deployment Drills and Tabletop Exercises.

(1) The plan holder must comply with the requirements of California Code of Regulations, title 14, section 820.1 to ensure that the elements of the plan will function in an emergency. The plan holder must explicitly acknowledge this requirement in the DFW 456.

(2) The plan holder must ensure that all response resources identified as plan holder-owned participate in an equipment deployment drill at least once every three years or as required in section 820.1, with the exception of terrestrial equipment, which must be verified by an inspection at least once every three years, pursuant to section 819.03 of this chapter.

(3) Environmental Sensitive Site Protection. If the plan holder relies on plan holder-owned equipment for environmental sensitive site protection resources, a drill must be conducted at least once every three years. The amount of boom required to be deployed is the amount needed for the site strategy or strategies identified in the drill scenario, but no more than the amount required at protection hour six pursuant to section 828.1 of this chapter.

(m) Safety Training.

(1) The plan holder must ensure that all facility personnel who are likely to be engaged in oil spill response maintain all safety training required by state and federal safety laws, in accordance with Government Code section 8720.29.

(2) Training records must be maintained for three years from the date of the training. Training documentation must be made available to the Administrator within five calendar days of a request.

(3) The plan holder must explicitly acknowledge the requirements in (1) and (2) above in the DFW 456.

(n) Certification Statement.

A statement signed, under penalty of perjury, by an executive within the designated plan holder's management who is authorized to fully implement the contingency plan, and who shall review the plan for accuracy, feasibility and executability. If an executive does not have training, knowledge and experience in the area of oil spill prevention, preparedness, and response, the statement shall also be signed by another individual within the plan holder's management structure who has training, knowledge, and experience appropriate for the risks posed by the plan holder's reasonable worst case spill volume. The statement must be dated to include the day, month, and year that the statement is signed. The certification statement shall be submitted according to the following format:

“I certify that, to the best of my knowledge and belief, under penalty of perjury under the laws of the State of California, that the information contained in this oil spill contingency

plan, which is comprised of the response manual, the Contingency Plan Cover Sheet form DFW 456, and the accompanying attachment, is true and correct and that the plan is both feasible and executable. By signing this statement, I agree to all the mandatory statements located in this form, and attest that the plan will comply with each regulation that is represented by those statements. I also certify that the company will maintain a level of readiness that will allow effective implementation of the contingency plan."

Note: Authority cited: Sections 8670.5.5, 8670.7.5, 8670.13, 8670.28, 8670.29 and 8670.32, Government Code. Reference: Sections 8670.7, 8670.10, 8670.25.5, 8670.27, 8670.28, 8670.29, 8670.30, 8670.30.5, 8670.31, 8670.32 and 8670.36, Government Code.

END